

REMARKS/ARGUMENTS

Claims 1 to 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kosik et al. (U.S. Patent No. 5,700,227) in view of Slicker et al. (U.S. Patent No. 5,314,050).

Reconsideration of the application is respectfully requested based on the following.

35 U.S.C. 103 Rejections

Claims 1 to 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kosik et al. (U.S. Patent No. 5,700,227) in view of Slicker et al. (U.S. Patent No. 5,314,050).

Kosik shows an automatic clutch control where automatic clutch is controlled so that the drive torque is reduced linearly as a brake pedal is actuated. A vehicle speed is monitored by sensor 11 to determine if a creep mode is present (See Col. 4, line 7 to 10).

Slicker discloses in a so-called “creep mode” controlling an input speed as a function of the engine speed and throttle position, when the “pedal signal is above a certain threshold.” The pedal signal is the accelerator pedal signal. The input speed is controlled to a creep speed which is a percentage of the engine speed, the percentage being increased as the accelerator pedal position increases. As with any automobile, Slicker thus teaches controlling input speed as a function of the accelerator pedal position.

Claim 1 recites “controlling the creep parameter when the brake actuating element is increasingly actuated so that the creep is reduced, the creep parameter being a speed of the vehicle.”

The present application also states at [0011]: “[o]ne important function which is made possible by the automated clutch is the vehicle creep, which makes it possible for the vehicle to move slowly...without actuating the accelerator pedal.

The “creep mode” in Slicker thus does not control “a creep parameter” at all, as creep parameter is defined by the present invention, since the accelerator pedal in Slicker is actuated during its “creep mode.”

Moreover, it is clear that one of skill in the art would not have been motivated by the teaching of Slicker to modify the Kosik device to provide the claimed limitation, as Slicker teaches controlling during its creep mode using the accelerator pedal, while Kosik teaches control

using a brake pedal. These two actuations would be understood by one of skill in the art to be mutually exclusive, as a driver typically would not actuate both a brake pedal and an accelerator pedal at the same time. If somehow the two disclosures however have been combined (and it is respectfully submitted that they could not have been), a fair reading of Slicker indicates that Slicker would have taught one of skill in the art to modify the functioning of the accelerator pedal actuation of Kosik to reduce the accelerator pedal impact, not to alter brake pedal impact as per claim 1.

Withdrawal of the rejection to claim 1 and its dependent claims, well as to claim 11 which recites similar structural limitations, is respectfully requested.

With further respect to claim 12, claim 12 recites the method as recited in claim 1 wherein the speed of the vehicle is controlled so as to vary linearly with actuation of the brake element. Neither Kosik nor Slicker discloses this limitation, and withdrawal for this reason as well is respectfully requested. The Office Action did not address this limitation.

With further respect to claim 13, claim 13 recites the method as recited in claim 1 wherein the speed of the vehicle is controlled so that the speed of the vehicle equals $(B_{MAX} - B/B_{MAX}) * V_{MAX}$ for $B < B_{MAX}$ and zero for $B > B_{MAX}$, where B is the brake actuation, B_{MAX} is a maximum creep brake actuation, and V_{MAX} is the maximum vehicle creep when the brake is not actuated. Neither Kosik nor Slicker discloses this limitation, and withdrawal for this reason as well is respectfully requested. The Office Action did not address this limitation.

With further respect to claim 14, claim 14 recites the method as recited in claim 14 wherein the speed of the vehicle is determined using the transmission ratio. Neither Kosik nor Slicker discloses this limitation and Slicker clearly does not use a transmission ratio. Withdrawal of the rejection to claim 14 for this reason as well is respectfully requested.

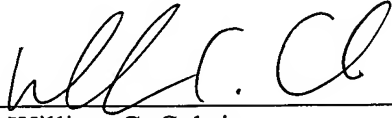
Claim 16 recites a method for controlling creep behavior of a vehicle equipped with an automated clutch, comprising:

detecting actuation of a brake actuating element; and

CONCLUSION

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,
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